

JP:RJN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-09-354**

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UNITED STATES OF AMERICA

- against -

C O M P L A I N T  
( T. 21, U.S.C. § 846)

JOSEPH POUSA,  
ANTHONY ORFANOS  
and JOSEPH WISEMAN,

Defendants,

- - - - -X

JAMES P. FLYNN, being duly sworn, deposes and says,  
that he is a Special Agent with Immigration and Customs  
Enforcement("ICE"), being appointed according to law and acting  
as such.

Upon information and belief, on or about April 9, 2009,  
within the Eastern District of New York, and elsewhere, the  
defendants JOSEPH POUSA, JOSEPH WISEMAN, and ANTHONY ORFANOS,  
together with others, did knowingly and intentionally conspire to  
possess with intent to distribute marijuana, a Schedule I  
narcotic drug controlled substance.

(Title 21, United States Code, Section 846).

The source of my information and the grounds for my  
belief are as follows:

1. I have personally participated in the  
investigation of the offense discussed below. Because this

affidavit is being submitted for the limited purpose of establishing probable cause for the arrest of JOSEPH POUSA, JOSEPH WISEMAN and ANTHONY ORFANOS, as described in greater detail below, I have not set forth each and every fact learned during the course of this investigation. Instead, I have set forth only those facts which I believe are necessary to establish probable cause for the arrest.

2. In or about April 2009, pursuant to an ongoing narcotics investigation, law enforcement agents from ICE began following a mobile home that was believed to be transporting large quantities of marijuana.

3. On or about April 9, 2009, agents observed the driver of the mobile home enter Staten Island, New York, and, at approximately 9:30 a.m., pull over to a service road near the Goethals Bridge in Staten Island, New York.

4. Shortly thereafter, agents observed the defendant, JOSEPH POUSA, who was driving a white home depot rental van, pull up next to the mobile home. The defendant JOSEPH POUSA got out of the van and, together with the driver of the mobile home, unloaded what appeared to be 10-12 parcels, of various sizes, which appeared to be contained in clear pink wrapping (the "SUBJECT PARCELS") from the mobile home into the van.

5. After loading the SUBJECT PARCELS into the van, the defendant JOSEPH POUSA drove to a storage facility off Goethals road in Staten Island. As he was driving, agents observed a gold SUV, with one male driver, the defendant JOSEPH

WISEMAN, and one male passenger, the defendant ANTHONY ORFANOS, following the van driven by the defendant JOSEPH POUSA. Agents then observed both the driver of the van, the defendant JOSEPH POUSA, and the driver of the SUV, the defendant JOSEPH WISEMAN, talking on their cell phones, and it appeared they were communicating with one another.

6. The defendant JOSEPH POUSA then pulled into the storage facility, up to gate number 7, and the driver of the SUV, the defendant JOSEPH WISEMAN, parked immediately outside the storage facility. Agents then observed the defendant, JOSEPH POUSA, with the assistance of the passenger in the SUV, the defendant ANTHONY ORFANOS, unload the SUBJECT PARCELS into the storage area. Shortly thereafter, agents placed the defendants, JOSEPH POUSA, ANTHONY ORFANOS, and JOSEPH WISEMAN under arrest.

7. A check of the rental agreement for the storage facility revealed that the defendants JOSEPH POUSA and ANTHONY ORFANOS rented the storage unit.

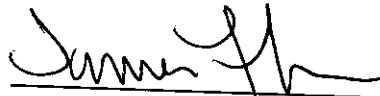
8. A check of the rental agreement for the home depot van driven by the defendant JOSEPH POUSA revealed that it was rented by the defendant JOSEPH WISEMAN.

9. After waiving his Miranda rights, the defendant JOSEPH POUSA stated, in sum and substance: that he knew the SUBJECT PARCELS contained marijuana; that he was going to be paid \$5,000 by the defendant JOSEPH WISEMAN for picking up and storing the SUBJECT PARCELS; that as he was driving to the storage facility, he was talking on his cell phone to the defendant

JOSEPH WISEMAN, who provided directions to the storage facility; that JOSEPH WISEMAN has received shipments of marijuana from Mexico in the past; and that he (JOSEPH POUSA) and ANTHONY ORFANOS have picked up packages of marijuana for the defendant JOSEPH WISEMAN on prior occasions.

10. The SUBJECT PARCELS were recovered by law enforcement agents. Inspection revealed that there were thirteen parcels, differing in size, that they were wrapped in white plastic, and held in bags, some of which, were pink in color. There were no other parcels in the van. The SUBJECT PARCELS field-tested positive for the presence of marijuana.

WHEREFORE, your deponent respectfully requests that the defendants JOSEPH POUSA, ANTHONY ORFANOS and JOSEPH WISEMAN be dealt with according to law.



JAMES P. FLYNN  
SPECIAL AGENT  
IMMIGRATION AND CUSTOMS ENFORCEMENT

Sworn to before me this  
10th day of April, 2009

THE HONORABLE CHERYL L. POLLACK  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK